

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Terry Moss

Date of Previous Judgment: 1/7/00

(Use Date of Last Amended Judgment if Applicable)

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Case No: 1:98CR335-1

USM No: 15290-058

Harold J. Bender

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Offense Level: _____

Criminal History Category: _____

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): Although the defendant is eligible for a two-level reduction pursuant to Amendment 706 (Retroactive Crack Cocaine Reduction), this does not impact the total offense level as the defendant was found to be a career offender, and the resulting offense level for a finding of career offender is greater than the base offense level for the quantity of cocaine base for which the defendant was found to be responsible.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 1/7/00 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 16, 2008

Effective Date: _____
(if different from order date)



Lacy H. Thornburg
United States District Judge

